IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 16476 of 2005
Date of decision: 24.7.2007

Pawan Kumar ...Petitioner

Versus

State of Haryana and others ...Respondents.

CORAM:- HON'BLE MR. JUSTICE K.S.GAREWAL
HON'BLE MR. JUSTICE S. N. AGGARWAL

Present: Mr. Gaurav Mohunta, Advocate,
for the petitioner.

Mr. SS Kharab, DAG, Haryana, for
respondent No.1.

Mr. MK Sood, Advocate, for
respondents No. 2.

K.S.GAREWAL, J.

Pawan Kumar joined the Municipal Corporation, Faridabad, as Clerk in 1987. Ajai Mangla-respondent 3 was also working in the Corporation as a Clerk. According to the petitioner, receipt book of the Corporation was forged by Ajay Mangla and from this receipt book, the petitioner issued three receipts amounting to Rs. 6552/- to certain consumers under his own signatures. At that time he was not aware that the receipts were forged ones. The petitioner was charge sheeted on October 24, 2001, he submitted his reply which was found unsatisfactory and an inquiry was initiated against the petitioner.

The Inquiry Officer's report dated June 4, 2004 was accepted

and the petitioner was served a show cause notice on August 17, 2004 wherein he was conveyed that it was proposed to remove him from service. The petitioner filed a reply on August 31, 2004. Opportunity was given to the petitioner to appear for personal hearing on October 12 and 14, 2004 but he did not appear in response to the show cause. From September 20 to October 31, 2004 the petitioner was on election duty in Faridabad and for this reason he was unable to appear before the Punishing Authority on November 3, 2004.Thereafter the finding of the Inquiry Officer was accepted and the proposal of removing the petitioner from service of Corporation was confirmed. The petitioner stood dismissed.

The petitioner filed an appeal on the ground that he had not been afforded opportunity of hearing. He had been away on election duty uptill October 31, 2004 and was able to present his reply to the show cause notice. The appeal of the petitioner was found to be without merit and was dismissed by the Principal Secretary, Urban Development Department, Haryana on August 8, 2005.

We are unable to find any ground to interfere in the departmental proceedings in this writ petition. The petitioner was given opportunities to defend himself on the quantum of punishment but he chose to stay away. He cannot complain that he had been unfairly treated or punished without hearing.

We find no merit in this petition. Dismissed.

(K.S. GAREWAL)
JUDGE

24.7.2007 **(S.N. AGGARWAL)**
prem **JUDGE**